
IN THE CLAIMS

Please amend the claims as follows:

1. (Original) A cover for a packaging for a cosmetic and/or pharmaceutical composition, comprising means of attachment (11, 37) on container (3, 29) of packaging (1) and a sealing wall (15) for sealing opening (7, 17) of the container, characterized by the sealing wall (15) being a flexible wall which is elastically deformable by a difference in pressure exerted on its two main sides.

2. (Original) A packaging for a cosmetic and /or pharmaceutical composition, comprising a container (3) for receiving cosmetic and /or pharmaceutical composition (5) and a cover according to claim 1 whose elastic deformation by a difference between an internal pressure predominating in the container and an external pressure that at least partially balances the pressure difference on the two sides of the flexible walls..

3. (Original) The packaging, according to claim 2, wherein the container (3) along with cover (6) form, in the closed state, a sealable internal chamber (7) for receiving cosmetic and/or pharmaceutical composition (5).

4. (Original) The packaging according to claim 3, comprising a cover (6, 31) having wall (41) extending at least locally facing a wall of container (3) and a side of wall (9, 21) of cover (6) facing the wall of container (3, 29) that is provided with radial rib (23) whose radial extent is greater than the distance between the two walls facing one another so as to ensure, by radial contact, temporary hermetic sealing of the internal compartment (7) of the packaging.

5. (Original) The packaging according to claim 2, comprising a sealing wall (15) being a wavy wall provided with concentric patterns in wave (19) form increasing the flexibility of wall (15) in a direction normal to opening (7, 17) which is to be sealed.

6. (Original) The packaging according to claim 2, further comprising packaging in a form of a box with small thickness when it is provided with middle platform (31), delimiting upper ventilated compartment (33) and internal chamber (7) for receiving cosmetic and/or pharmaceutical composition (5), and that said platform forms a cover for the latter compartment (7).

7. (Original) The packaging according to claim 2, further comprising means for receiving removable container (29) forming a refill of cosmetic and/or pharmaceutical composition (5).

8. (Original) The packaging according to claim 7, further comprising a receiving opening and means for locking in position, particularly by clipping, of removable container (29) in a form of a trough or cup, whose opening (17) opens inside the packaging.

9. (Currently Amended) The cosmetic and/or pharmaceutical composition, particularly a foundation, cream, rouge or lipstick, comprising the packaging of claim 7 ~~any of claims 2 or 7~~.

10. (Original) A cosmetic and/or pharmaceutical composition, characterized by packaging that has, in ventilated compartment (33), some means of application of cosmetic and/or pharmaceutical composition (5) of the sponge or Japanese foam type.

11. (Original) A sealed packaging for cosmetic or pharmaceutical compositions which has sealed compartment (12) defined by container (1) and fitted cover (3), characterized by radial walls that are arranged a distance d apart from one another; one of these walls (9, 15) is provided with annular rib (19) having a radial extent in the direction of the other wall (15, 9) which is greater than d , in such a way as to exert on the opposite wall (15, 9) a radial force ensuring temporary hermetic sealing of sealed compartment (12) of the packaging.

12. (Original) The packaging according to claim 11, further comprising means of locking (37) of the packaging in a closed state in which sealed compartment (12) is hermetically sealed.

13. (Original) The packaging according to either of claim 11 or claim 12, further comprising an annular rib (23) arranged on a radially external side of wall (15) of cover (6) arranged opposite a radially internal side of wall (9) of container (1).

14. (Currently Amended) The A packaging according to claim 11, ~~any of claims 11, 12 or 13~~, further comprising a container (1) having two parallel or roughly parallel walls (9, 9') and by rib (23) that is applied on, or by, radially external wall (9) of container (1).

15. (Currently Amended) The packaging according to claim 11 ~~claims 11 or 12~~, further comprising a container (1) having wall (9,9') delimiting space (12) for storage of cosmetic and/or pharmaceutical composition, which has an undercut shape.

16. (Currently Amended) The packaging according to claim 11 ~~claims 11 or 12~~, further comprising a cover (6) having wall (21) deformable by a difference in pressure exerted on its two main sides so as to ensure compensation for this difference in pressure.

17. (Original) The packaging according to claim 11, further comprising having a shape of a box which has lower part (25, 25') forming or receiving container (3, 40, 40'), separation platform (30') forming a cover for a sealed compartment and upper part (27) forming a cover for the box.

18. (Original) The packaging according to claim 11, further comprising a platform (30') that delimits a chamber for receiving means of application of the cosmetic or pharmaceutical composition, which has openings ensuring the ventilation of this chamber.

19. (Original) The packaging according to claim 11, further comprising a box which has a receiving opening and means of locking in position, in particular, means (42, 45) of clipping of removable cup (33').

20. (Original) A cosmetic or pharmaceutical composition, particularly foundations, creams, rouges, lipsticks, further comprising positioning in packaging according to claim 11.

21. (Original) A refillable packaging for a cosmetic and/or pharmaceutical composition, which has external envelope (1), wherein the external envelope (1) is provided with opening (46) for receiving container (29) of a refill of cosmetic and/or pharmaceutical composition (5), the packaging further comprising an opening (41) of container (29) that opens inside external envelope (1), and means of locking (39) of container (29) of the refill in position in the packaging.

22. (Original) The packaging according to claim 21, wherein the opening (14) is made in base (45) of external envelope (1) of the packaging and the external wall of the bottom of container (29) of the refill is in the extension of the external side of base (45) of envelope (1) of the packaging.

23. (Currently Amended) The packaging according to claim 21 ~~or 22~~, further comprising means of locking that has projecting elements (50, 51) ensuring the locking and holding by clipping of container (29) of the refill in the packaging.

24. (Currently Amended) The packaging according to claim 21 ~~or 22~~, further comprising means (11, 41) of hermetic sealing of container (9) of the refill, the means provided with rib (23) which is applied radially on wall arranged facing it in order to ensure said hermetic sealing.

25. (Original) The packaging according to claim 21, comprising container (29) of the refill that has first radially internal wall (50) which delimits chamber (17) for receiving cosmetic

and/or pharmaceutical composition (5) and a second radially external wall (21) for application of means (11, 41) of hermetic sealing of container (29) of the refill.

26. (Original) The packaging according to claim 21, wherein said packaging is a flat box and in the container (29) of the refill is a trough or a well.

27. (Original) The packaging according to claim 21, wherein said packaging is a flat box and in that the container (29) of the refill is a trough or a well.

28. (Original) The packaging according to claim 21, further comprising a platform (29) delimiting chamber (17) for receiving cosmetic and/or pharmaceutical composition (5) and a ventilated compartment (33) for receiving means of application of cosmetic and/or pharmaceutical composition (5).

29. (Original) The packaging according to claim 21, wherein platform (30) ensures the hermetic sealing of container (29) of the refill wherein said platform (30) can be deformed so as to allow compensation for the difference in pressure between the interior and the exterior of container (29) of the refill.

30. (Original) A cosmetic and/or pharmaceutical composition, characterized in that it is packaged in a packaging according to claim 21.

31. (Withdrawn) A process for packaging a cosmetic and/or pharmaceutical composition, comprising:

- a) filling container (29) of a refill with cosmetic and/or pharmaceutical composition (5);
- b) assembling container (29) of the refill containing cosmetic and/or pharmaceutical composition with a packaging according to claim 21.

32. (Withdrawn) A process according to claim 31, characterized in that the filling occurs when the cosmetic and/or pharmaceutical is hot.

RESPONSE TO RESTRICTION REQUIREMENT

Applicant has reviewed the Restriction Requirement mailed October 21, 2003, wherein the Examiner restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-30, drawn to packaging (for cosmetics), classified in class 206, subclass 581.
- II. Claims 31 and 32, drawn to a method of using a packaging (for cosmetics), classified in class 53, subclass unknown.

Applicant provisionally elects, without traverse, the claims of Group I (claims 1-30). Applicant elects Species III, as shown in Figs. 3-6 and 24-26. Claims 4, 5, 6, 7, 8, 9, 10, 11, 13 and 14 read on Species III, as shown in Figures 3-6 and 24-26. Applicant reserves the right to file divisional application(s) on the non-elected claims if they are not allowed into the present application.